THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 24234 of 2000

DATE: 24-10-2007

Between :

R.Nagasankar Reddy

… Petitioner

And

The Joint Collector,
Chittoor,
Chittoor District and another.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 24234 of 2000

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in taking possession of the tamarind trees standing in Sy.No.377/2, 279/1, 381, 266, 250/4, 316/2, 317/2 and 324/10 of Karasangapalle Revenue village, Peddapanjani Mandal, Chittoor District is arbitrary and illegal.

The petitioner claims that his father by name R.Ramakrishna Reddy was granted tree pattas in Form 2-C for the tamarind trees standing on the government lands in Karasanapalle vllage, Peddapanjani Mandal. It is alleged that the Mandal Revenue Officer, Peddapanjani Mandal cancelled the said patta and pursuant thereto, attempted to dispossess the father of the petitioner. Aggrieved by the said action, the petitioner's father filed W.P.No.4368 of 1987. The said writ petition was disposed of by this Court by order dated
18-12-1989 with a direction that the petitioner therein shall not be deprived of his right to reap the fruits of the tamarind trees in question till the appeal preferred before the Sub-Collector is decided on merits. Thereafter, the Mandal Revenue Officer issued a notice dated 07-03-2000 stating that as per the records available, no appeal is pending before any authority against the order of cancellation of patta dated
29-12-1981 and accordingly calling upon the petitioner to submit details relating to the appeal, if any, pending before the appellate

authority. The said action of the respondents is under challenge in this writ petition.

In response to the Rule nisi ordered, the Mandal Revenue Officer field a counter affidavit stating that pursuant to the order of cancellation, the lands in question were already resumed vide proceedings dated 06-08-1986. It is further stated that either the father of the petitioner or the petitioner has never preferred any appeal before the Joint Collector, Chittoor.

The petitioner has not filed any affidavit in reply nor any other material is placed before this Court rebutting the stand taken by the respondents in the counter affidavit.

In the circumstances, the relief as prayed for cannot be granted.

Accordingly, the writ petition is dismissed and the interim order granted on 11-12-2000 shall stand vacated. No costs.

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G. ROHINI, J

Date: 24-10-2007
KLP